

REMARKS

Claims 21-40 were pending in this application.

Claims 21-40 have been rejected.

Claims 21, 24, and 34 have been amended as shown above.

Claim 41 has been added.

Claims 21-41 are now pending in this application.

Reconsideration and full allowance of Claims 21-41 are respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 21-40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0169539 to Menard et al. ("*Menard*"). This rejection is respectfully traversed.

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

Menard recites a technique for managing location information communicated using wireless devices and communication networks. (*Abstract*). One example of this management is shown in Figure 3 of *Menard*. Location information from a device 100 can be routed through other devices

150, 155, 300 to a monitoring center 400. (*Par. [0051]*). The location information cannot be viewed by the other devices 150, 155, 300 if they lack authorization to view the location information. (*Par. [0051]*). If authorized, a display screen (such as in device 300) can be used to display the location information to a user. (*Par. [0051]*).

Claim 21 recites that “first position information” associated with a first mobile device is transmitted from the first mobile device to a central monitoring system and that “second position information” associated with a second mobile device is relayed from the first mobile device to the central monitoring system. Claim 21 also recites switching a “mode of operation” of the first mobile device such that the first mobile device “transmits the first position information to at least one of the second mobile device and a third mobile device for relaying to the central monitoring system.”

The cited portions of *Menard* lack any mention of switching a “mode of operation” of a mobile device so that the mobile device transmits position information to another mobile device for relaying to a central monitoring system (where the mobile device previously was transmitting and relaying information directly to the central monitoring system). In the cited portions of *Menard*, one device simply receives and relays information towards a monitoring center 400. The relaying devices may or may not display the information, depending on each device’s authorizations. Nothing here indicates that any of the devices may switch from one mode (where it transmits its own position information and relays position information from other devices) to a different mode (where it transmits its own position information for relaying by another device).

Similarly, Figure 13 of *Menard* shows multiple tags 100E-100F in short- or long-range communication with a tower 415. (*Par. [0084]*). This simply indicates that the tags 100E-100F may

communicate with either a local device 300 or the tower 415. Nothing here indicates that any of the tags 100E-100F may switch from one mode (where a tag transmits its own position information and relays position information from other devices) to a different mode (where the tag transmits its own position information for relaying by another device).

For these reasons, *Menard* fails to anticipate Claim 21 (and its dependent claims). For similar reasons, *Menard* fails to anticipate Claims 24 and 34 (and their dependent claims).

Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejection and full allowance of Claims 21-40.

II. NEW CLAIM

The Applicant has added new Claim 41. The Applicant respectfully submits that no new matter has been added. At a minimum, the Applicant respectfully submits that Claim 41 is patentable for the reasons discussed above. The Applicant respectfully requests entry and full allowance of Claim 41.

III. CONCLUSION

The Applicant respectfully asserts that all pending claims in this application are in condition for allowance and respectfully requests full allowance of the claims.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@munckbutrus.com*.

The Applicant has included the appropriate fee to cover the cost of one (1) additional claim. The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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